

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1495 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
  5. Whether it is to be circulated to the Civil Judge? : NO

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GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

SURESHCHANDRA MOHANLAL RAVAL

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Appearance:

MS ROOPAL R PATEL for Petitioner

Mr.Prabhakar Upadhyay for MR MUKESH H RATHOD for  
Respondent No. 1

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CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 10/04/2000

ORAL JUDGEMENT :

Rule. Mr.Upadhyay waives service of the rule.

2. With the consent of the parties the matter is taken up for final disposal. The petitioner challenges the award passed by the Labour Court, Junagadh in Reference (LCJ) No.114 of 1996. The Labour Court has

interfered with the penalty of dismissal imposed by the disciplinary authority observing that the petitioner was dismissed from service from 9.12.1991. The Labour Court has observed that if back wages are not awarded for the intervening period, the petitioner can be said to have been sufficiently punished financially. The Labour Court may be right in its observation, but non awarding of back wages cannot be said to be a penalty.

3. Looking to the gravity of the misconduct on the part of the respondent and looking to the past record of the respondent workman wherein as many as 32 defaults were recorded earlier, not only that once he was dismissed from service, the Labour Court ought to have substituted the penalty while awarding reinstatement. As the Labour Court has not awarded any penalty to the workman it would be in the interest of justice if stoppage of three increments with future effect is awarded. Except to the aforesaid extent the judgement and award of the Labour Court is not interfered with. The petitioner shall reinstate the respondent workman within a fortnight from the date of receipt of this order. The petition is allowed to the aforesaid extent with no orders as to costs. Rule is made absolute accordingly.

(Ravi R. Tripathi, J.)

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